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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/712,925	11/16/2000	Shuji Ono	3562-0108P	2972

7590 01/11/2006

Birch Stewart Kolasch & Birch LLP  
P O Box 747  
Falls Church, VA 22040-0747

EXAMINER

MISLEH, JUSTIN P

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/712.925

EXAMINER

ART UNIT

PAPER

010306

DATE MAILED:

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Commissioner for Patents

***Election/Restrictions***

1. The species election filed on 30 September 2005 elects Claims 1 – 31 as drawn to the elected invention of Figures 1 – 5. However, after careful consideration, ONLY some of the elected claims are directed to the elected species (Figure 1 – 5). For instance, Figures 1 – 5, as described on pages 9 (line 30) – 23 (line 20) of the specification, are drawn towards an apparatus and corresponding method for controlling an image data input unit based upon depth distribution information and main subject information wherein ONLY some of Claims 1 – 31 (e.g. Claims 1 – 10, 14, 22 – 26, and 30) are drawn towards the elected apparatus and corresponding method. Since some of the elected Claims 1 – 31 are drawn to a non-elected invention, the species election is non-responsive (MPEP § 821.03).

2. Since the above-mentioned species election appears to be a *bona fide* attempt to reply, Applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

3. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Ngoc Yen Vu can be reached on 571.272.7320. The fax phone number for the organization where this application or proceeding is assigned is 571.273.3000.

Art Unit: 2612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM

January 3, 2006

A handwritten signature in black ink, appearing to read 'Ngoc-Yen Vu', with a long horizontal line extending to the right.

NGOC-YEN VU  
PRIMARY EXAMINER